

1 JERRY S. BUSBY  
Nevada Bar #001107  
2 COOPER LEVENSON, P.A.  
1835 Village Center Circle  
3 Las Vegas, Nevada 89134  
(702) 366-1125  
4 FAX: (702) 366-1857  
[jbusby@cooperlevenson.com](mailto:jbusby@cooperlevenson.com)

5 Attorneys for Defendant  
6 SMITH'S FOOD & DRUG CENTERS, INC.

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 SABINE BARCLAY and ROBERT  
10 BARCLAY, husband and wife,

11 Plaintiffs,

12 vs.

13 THE KROGER COMPANY, a foreign  
corporation, d/b/a SMITH'S FOOD & DRUG  
CENTERS, INC; DOES I through XX; and  
14 ROE CORPORATIONS, I-XX, inclusive.

15 Defendants.

Case No. 2:18-cv-01046-RFB-CWH

**STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE**

16  
17 WHEREAS, the parties to this litigation and their counsel of record participated in a voluntary,  
18 private mediation which resulted in a full and final settlement of this case;

19 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs SABINE  
20 BARCLAY and ROBERT BARCLAY and their attorney of record, Charles A. Michalek, Esq. of the  
21 law firm ROGERS, MASTRANGELO, CARVALHO & MITCHELL, LTD. ,Attorneys for  
22 Plaintiffs, and Defendant SMITH'S FOOD & DRUG CENTERS, INC., by and through its attorney  
23 of record, Jerry S. Busby, Esq. of the law firm COOPER LEVENSON, P.A. as follows:

24 1. Plaintiffs SABINE BARCLAY and ROBERT BARCLAY'S claims herein against  
25 Defendant SMITH'S FOOD & DRUG CENTERS, INC. shall be dismissed with prejudice, each  
26 party to bear their own attorney's fees and costs; and

27 ///

28 ///

2. That any pending deadlines established by the Court and/or any hearings be vacated.

Respectfully submitted this 15th day of November, 2018.

ROGERS, MASTRANGELO,  
CARVALHO & MITCHELL


COOPER LEVENSON, P.A.

/s/ Charles Michalek  
CHARLES MICHALEK, ESQ.  
Nevada Bar No. 005721  
700 South Third Street  
Las Vegas, NV 89101  
(702) 383-3400  
Attorneys for Plaintiffs  
SABINE BARCLAY and  
ROBERT BARCLAY

/s/ Jerry S. Busby  
JERRY S. BUSBY, ESQ.  
Nevada Bar No. 001107  
1835 Village Center Circle  
Las Vegas, Nevada 89134  
(702) 366-1125  
Attorneys for Defendant  
SMITH'S FOOD & DRUG CENTERS, INC.

**ORDER**

IT IS SO ORDERED:

  
RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED this 19th day of November, 2018.